



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO
A&B PROPERTIES, INC. FOR WATERLINE AND ACCESS ROAD PURPOSES
AND ISSUANCE OF A CONSTRUCTION AND MANAGEMENT
RIGHT-OF-ENTRY, SITUATE AT KAHULUI, MAUI, HAWAII

MAUI

CONTROLLING AGENCY:

Department of Transportation, Airports Division (DOTA).

APPLICANT:

A&B Properties, Inc., whose principal place of business is 822 Bishop Street, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kahului, Maui, identified by Tax Map Key Nos.: (2) 3-8-001-166, (2) 3-8-079-021 and (2) 3-8-079: portion road, as shown on the attached map labeled Exhibit A.

EASEMENT AREAS:

Easement W-1: Tax Map Key (2) 3-8-1:166 (por.). 3,500 square feet, more or less.

Easement W-2: Tax Map Key (2) 3-8-79-21 (por.). 45,812 square feet, more or less.

Easement W-3: Tax Map Key (2) 3-8-79: portion road. 4,468 square feet, more or less.

ZONING:

State Land Use District: Agricultural
County: Agricultural

LAND TITLE STATUS

Governor's Executive Order Nos. 4016 and 2594
Hawaii Admission Act – Not applicable, acquired after Statehood
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES__ NO X

CURRENT USE:

Vacant and unencumbered.

CONSIDERATION:

One-time payment in the amount of the fair market value as determined by an independent appraiser contracted by the State, pursuant to Section 171-30(e), HRS. Said appraisal shall be subject to review and approval by DOTA.

PURPOSE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove water transmission pipelines over, under and across Airport owned lands and to construct, use maintain and repair an access road over and across Airport owned lands.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

The final Environmental Impact Statement acceptance notice for the subject project was published in the OEQC's Environmental Notice on December 8, 2004.

REQUIREMENTS:

The Applicant shall be required to:

1. Pay for an independent appraisal and appraisal review to determine a one-time payment for the easements;
2. Provide survey maps and descriptions according to State Department of Accounting and General Services standards and at Applicant's own cost; and
3. Process and obtain subdivision at Applicant's own cost.

REMARKS:

Easement W-1 is encumbered under Executive Order No. 2594 to the Department of Transportation for Kahului Airport. Easements W-2 and W-3 are encumbered under Executive Order No. 4016 to DOTA.

A&B Properties, Inc. (A&B) is requesting the above easements for installation of potable and non-potable water lines to serve its Maui Business Park Phase II project. In addition, A&B is proposing to construct an access road within the easement area for access to and for maintenance of the waterlines. See attached Exhibit B.

A&B has agreed to sell a portion of its non-potable water to DOTA for irrigation of DOTA's landscaping for the Airport Access Road.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION:

That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize DOTA to issue a perpetual non-exclusive easement to A&B Properties, Inc. covering the subject area for waterline and access purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document from, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interest of the State.
2. Authorize DOTA to issue a construction and management right-of-entry to A&B Properties, Inc., its consultants, contractors, and/or persons acting for or on its behalf, covering the subject area and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time;

- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interest of the State.

Respectfully submitted,

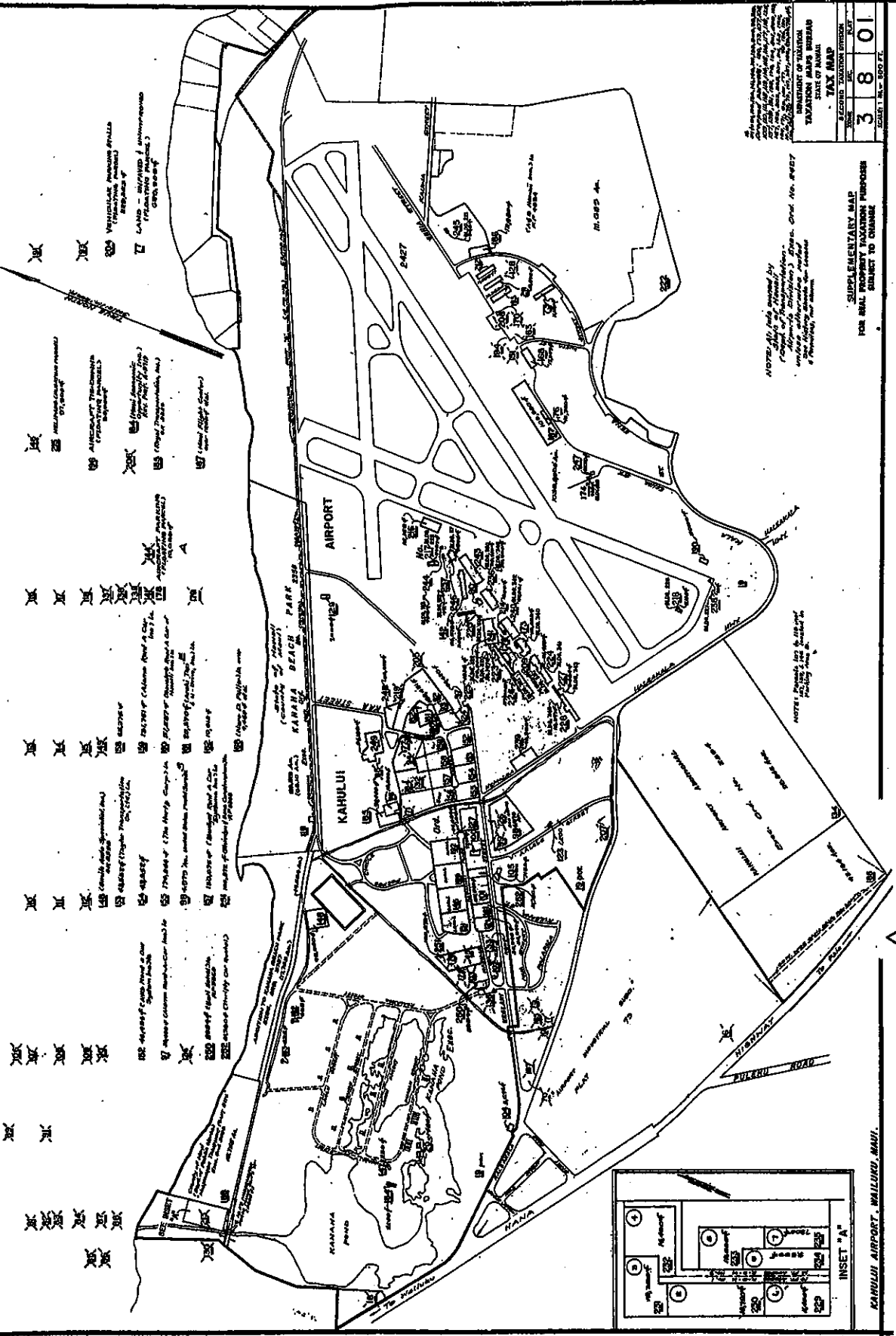


GLENN M. OKIMOTO, Ph.D.
Director of Transportation

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson and Member



NOTES: This map is based on the official records of the Department of Public Works, City of Honolulu, and is not to be used for any other purpose without the express written consent of the Department of Public Works, City of Honolulu.

TAX MAP
DEPARTMENT OF PUBLIC WORKS
CITY OF HONOLULU

3 8 01
SHEET 1 OF 1

SUPPLEMENTARY MAP
FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

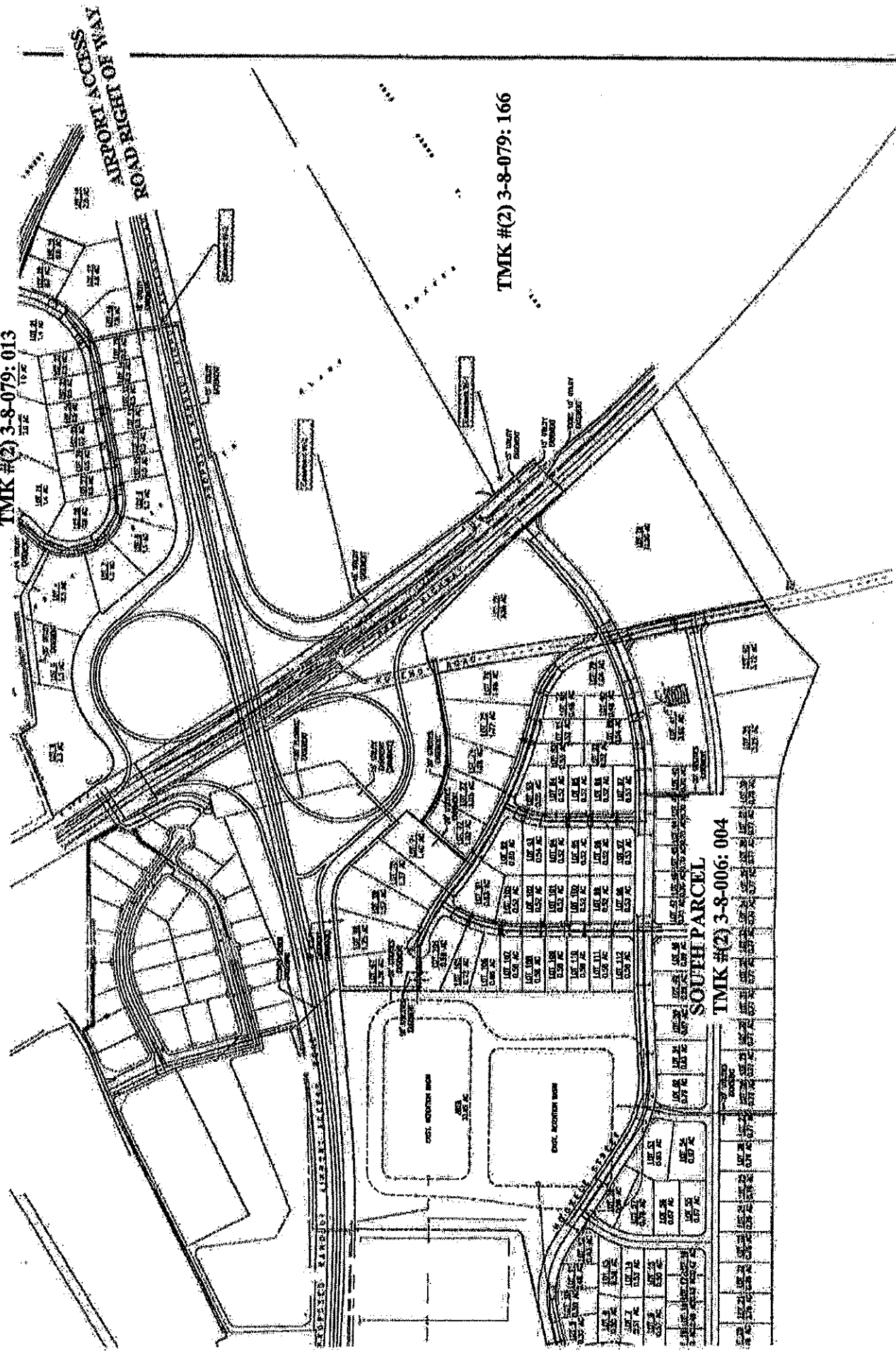
EXHIBIT "A"
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NORTH PARCEL

TMK # (2) 3-8-079: 013

TMK # (2) 3-8-079: 166

SOUTH PARCEL
TMK # (2) 3-8-006: 004



AAB PROPERTIES, INC. MAUI BUSINESS PARK - PHASE II KAHULUI, MAUI, HAWAII	AIA AUSTIN, TSUTSUMI & ASSOCIATES, INC. ENGINEERS, SURVEYORS & LANDSCAPE ARCHITECTS, P.A.C. 1988	EXHIBIT
	SITE PLAN SCALE 1"=200'	

EXHIBIT "B"